IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 873 OF 2002

Shyamkishore Murlidhar
Garikapatti ... Applicant

versus

State of Maharashtra ... Respondent

...

Office Report, dated 12-10-2004 called out.

...

CORAM : A.M.KHANWILKAR,J.

14th October 2004

P.C.:

. The trial pending before the Second Ad-hoc Additional Sessions Judge, Kalyan, pertains to year 1999 in Sessions Case No. 218 of 1999. The same is already expedited by this Court. It was not disposed of within the specified time, for which reason extension was granted by this Court from time to time since the year 2002. Once again request is made by the concerned Judge for further time, but on this occasion, request is made to extend time till 1st

September 2006. The justification for such extension mentioned by the concerned Judge is that accused No. 4 Shri Shamkishor @ Kishorbhai Murlidhar Garikapatti is absconding from 2nd July 2003. Enough time has been spent to trace the said accused. The trial cannot wait indefinitely insofar as the other accused are concerned. Inspite of the role of accused No. 4 in the commission of offence, the trial Court will be well-advised to take appropriate steps including to consider to separate the case of accused No. 4 and proceed with the trial insofar as the remaining accused are concerned. That trial shall be concluded within six months from the receipt of writ of this Court. It is made clear that no further extension will be granted as the matter pertains to year 1999 and is already expedited by this Court; besides, the same being ear-marked to Fast Track Court. Ordered accordingly.

. Office to send this Writ immediately.

(A.M.KHANWILKAR,J.)